

# FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) MM DOCKET No.: 96-221  
DESERT BROADCASTING CORPORATION )  
For Renewal of License for ) File No.: BRH-910327YD  
Station KZAL (FM) )  
Desert Center, California )

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FEDERAL COMMUNICATIONS COMMISSION  
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*Donna A. Brackley*

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Date: December 10, 1996

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of:	)	MM DOCKET No.: 96-221
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DESERT BROADCASTING CORPORATION	)	
	)	File No.: BRH-910327YD
For Renewal of License for	)	
Station KZAL (FM)	)	
Desert Center, California	)	

Courtroom No. 2  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Tuesday,  
December 10, 1996

The parties met, pursuant to the notice of the  
Judge, at 9:00 a.m.

BEFORE: HON. JOHN M. FRYSIK  
Administrative Law Judge

APPEARANCES:

On behalf of Name of the Licensee:

LEE W. SHUBERT, ESQUIRE  
Haley, Bader, & Potts, P.I.C.  
4360 North Fairfax Drive, Suite 900  
Arlington, Virginia 22203  
(703) 841-0806

On Behalf of the Commission:

JAMES W. SHOOK, ESQUIRE  
Federal Communications Commission  
Bureau of Enforcement  
2025 M Street, N.W.  
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## APPEARANCES (Continued):

On Behalf of Worldwide Multimedia:

DAVID E. HONIG, ESQ.  
Executive Director  
Minority Media & Telecommunications Council  
119 Harbor Drive  
Key Biscayne, Florida 33149  
(305) 365-2475

I N D E X

Pre-Hearing Conference

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E X H I B I T S

None.

Hearing Began: 9:00 a.m.

Hearing Ended: 9:07 a.m.

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1                               P R O C E E D I N G S

2                               JUDGE FRYSIAK: Good morning all.

3                               MR. SHOOK: Good morning, Your Honor.

4                               MR. SHUBERT: Good morning, Your Honor.

5                               MR. HONIG: Good morning.

6                               JUDGE FRYSIAK: All right. This is a prehearing  
7 conference in the matter of Desert Broadcasting Corporation,  
8 Desert Center, California. Would you note your appearances  
9 for the record?

10                              MR. SHUBERT: Lee Shubert, Your Honor, on behalf  
11 of Desert Center Broadcasting Company

12                              MR. SHOOK: James Shook, on behalf of the Chief,  
13 Mass Media Bureau.

14                              JUDGE FRYSIAK: Thank you. Well, what do we have?

15                              MR. SHUBERT: Well, Your Honor, as we were talking  
16 just before you came into the room, we are in the process of  
17 trying to put together a distress sale for this property.  
18 If a distress sale cannot be accomplished, it is highly  
19 unlikely that Desert Center will prosecute and -- well,  
20 prosecute for a renewal application. It just is not -- the  
21 people aren't there.

22                              JUDGE FRYSIAK: Yes. Well, I appreciate your  
23 difficulties. You've got some pretty tough time  
24 constraints.

25                              MR. SHUBERT: Yes, we are aware of that.

1 JUDGE FRYSIAK: Well, I suppose just for the sake  
2 of procedure, we ought to set dates anyway.

3 MR. SHOOK: Your Honor, I would be of the view  
4 that that would probably be a waste of our time. We may as  
5 well just --

6 JUDGE FRYSIAK: A what?

7 MR. SHOOK: A waste of our time. We may as well  
8 just suspend dates, and set a date by which a distress sale  
9 application should be filed. And if they don't file the  
10 distress sale application, I think at that point we can  
11 revisit the question of whether we need to set dates, or  
12 whether they will simply surrender.

13 MR. SHUBERT: Theoretically, and as a practical  
14 matter, Your Honor, if the station is not back on the air by  
15 February 9th, the license is forfeited as a matter of law  
16 anyhow.

17 JUDGE FRYSIAK: That's right. So, it doesn't  
18 matter which way we say.

19 MR. SHUBERT: Exactly. I mean, that's a threshold  
20 that we are not going to get past in any event, regardless  
21 of whether we go to a hearing or not. Unless somebody comes  
22 in and is a prospective buyer, and is willing to take over.

23 JUDGE FRYSIAK: Well, I would just as soon set  
24 dates, and have you proceed whether you want to.

25 MR. SHUBERT: That's fine, too, Your Honor.

1 JUDGE FRYSIK: Certainly the hearing wouldn't  
2 take place before February 9th. If you are still alive on  
3 that date, why --

4 MR. SHUBERT: And it is good to see you by the  
5 way. It has been a long time since the last time.

6 JUDGE FRYSIK: It sure has been.

7 MR. SHUBERT: I was surprised when I walked in  
8 this morning that two of the courtrooms were missing from  
9 the last time that I was here.

10 JUDGE FRYSIK: We're lucky to have two.

11 MR. SHUBERT: Yes. Setting dates is fine; if you  
12 want to stick with the March 12th date, which I think you  
13 ruled in your original order, that's fine.

14 JUDGE FRYSIK: And if things fall your way, why  
15 we can always extend the dates. All right. Then why don't  
16 we keep the March 12th hearing date, and I would set the  
17 date for filing exhibits as February 19th, and a  
18 notification of witnesses by February 28th.

19 I won't impose on you any obligation to file a  
20 distress sale, since you're on your way out.

21 MR. SHUBERT: We will attempt to try to get it  
22 done posthaste. I mean, we have to act as I was saying  
23 here, we've got less than 30 days to put this thing  
24 together. Otherwise, it is going to go down the tubes. And  
25 we have got the holidays intervening as well.

1 JUDGE FRYSIAK: You wanted to say something?

2 MR. HONIG: No. I'm David Honig, I am not here on  
3 behalf of a party. I'm here on behalf of Worldwide  
4 Multimedia Broadcasting Company, which is a potential  
5 distress sale purchaser. Assuming that a distress sale  
6 could be worked out, we have tendered an offer, and my  
7 client asked me last night to communicate to the Court our  
8 willingness to proceed in the event we are selected as a  
9 distress sale buyer.

10 And our support for the policy, irrespective of  
11 whether someone else gets selected as a distress sale buyer.  
12 That's all.

13 JUDGE FRYSIAK: Well, is there anything else for  
14 us to pursue?

15 MR. SHUBERT: Happy holidays.

16 MR. SHOOK: Merry Christmas, Your Honor.

17 JUDGE FRYSIAK: All right. Good wishes are always  
18 welcome. So, I wish you well.

19 MR. SHUBERT: Thank you.

20 JUDGE FRYSIAK: What happens, should you file a  
21 distress sale, why, you will move to suspend dates then.  
22 Okay. Thank you very much.

23 MR. SHUBERT: Thank you, Your Honor.

24 (Whereupon, at approximately 9:07 a.m., the  
25 hearing was concluded.)




**REPORTER'S CERTIFICATE**

FCC DOCKET NO.: 96-221  
CASE TITLE: Desert Broadcasting Corporation  
HEARING DATE: December 10, 1996  
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.


Date: 12-10-96

  
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Heritage Reporting Corporation  
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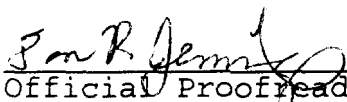
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I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

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